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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,032	01/15/2002	Andreas Johannes Gerrits	NL 010054	4253

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

HARPER, V PAUL

ART UNIT PAPER NUMBER

2654

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/047,032	Applicant(s) GERRITS, ANDREAS JOHANNES	
	Examiner V. Paul Harper	Art Unit 2654	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached discussion.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s): _____.
 13. ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed 12/07/05 have been fully considered but they are not persuasive.

2. Applicant asserts on page 14:

Chai does not disclose a splitter for splitting up a single input signal on a single input line into at least first and second frequency band signals and first and second encoders for encoding a respective one of the first and second frequency band signals. The Examiner referred to Fig. 2, items 2201, 2202, ..., 220n, and col. 3, lines 28-35 and lines 53-64 to support the rejection. These portions relate to the presence of multiple image/video encoders each of which receives a video or image and produces a bitstream therefrom so that a plurality of elementary bitstreams can be produced. *There is absolutely no mention of splitting an input video or image based on frequency band and encoding each frequency band signal by means of a separate encoder.* (Italics added)

The title of Chai's patent is "Apparatus and Method for Error Concealment for Hierarchical Subband Coding and Decoding" where the examiner maintains that it is well-known in the art that the operation of subband encoding performs a necessary operation of splitting a signal into frequency bands (see for example, "subband encoding" in the *On-line Dictionary of Computing*). This teaching corresponds to "splitting up a single input signal on a signal input line into at least first and second frequency band signals."

Regarding the use of separate encoders, Chai teaches subband decomposition (e.g. generating wavelet coefficients; col. 3, lines 31-34), encoding (Fig. 2, using multiple encoders, items 220n), and packetization (col. 3, lines 31-33; col. 4, lines 30-53) where the subband decomposed coefficients are packetized (col. 4, lines 42-45).

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Thus, Chai teaches the splitting of the input signal resulting in coefficients corresponding to separate bands where (at a minimum) each of the sets of coefficients will undergo a separate formatting operation (encoding) during packetization.

3. Applicant asserts on page 14:

Chai also does not disclose first and second decoders for decoding a respective one of first and second encoded frequency band signals. The Examiner referred to Fig. 2, items 270, 275, 290, 295 and col. 4, lines 14-22 to support the rejection. Chai shows decoding an image or video signal via an image/video decoder 270 to produce a video output signal 275 and separately decoding an audio signal via audio decoder 290 to produce an audio output signal 295.

Multiple encoders (Fig. 2, items 220n) imply corresponding decoders (or decoding operations). Furthermore, if a board definition of encoding/decoding is used the received packets will necessarily require separate decoding operations (reformatting) to recover the separate subbands. This is necessary for the taught decomposition (subbands into packets) and subsequent recomposition (packets into subbands: LL, LH, etc.) where Chai's recovery procedures require access to specific subband data (col. 4, line 31 through col. 5, line 33).

4. Applicant asserts on page 16:

Chai also does not mention a combiner for combining the decoded signals from the decoders into a single output signal. The Examiner referred to Fig. 2, items 270, 275, 290, 295 and col. 4, lines 14-22 to support the rejection. In Chai, separate video signals 275 and audio signals 295 are produced and there is no disclosure of a combined output signal obtained via a combiner or adder as in the invention.

As the Applicant states, Chai teaches that the outputs are video and audio signals (col. 4, lines 19-22). Since these signals were decomposed prior to transmission, to generate an output signal at the receiving end, a "recomposition" operation would inherently need to be performed (call it combining or adding).

5. Applicant asserts on page 16:

Furthermore, with respect to claim 17, this claim is directed to a speech decoder, i.e., a decoder for decoding speech which is a type of audio signal. The speech decoder includes two decoders which decode different frequency band speech signals derived from a single input speech signal, i.e., multiple decoders are provided and each decodes a part of the input speech signal based on frequency. Chai shows only a single audio decoder.

Chai teaches subband coding (title) and that multiple encoders (Fig. 2, items 222n) can be used for processing an audio signal (col. 1, lines 52-64) with necessary corresponding decoding operations at the receiving end (Fig. 2, item 290). Furthermore, Chai teaches that a variety of encoders can be used (col. 3, lines 60-62), and the examiner notes that the well-known "channel vocoder" used for speech compression and transmission utilizes multiple bands/encoders/decoders as described in the above argument.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Paul Harper whose telephone number is (571) 272-7605. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/16/05

V. Paul Harper
Patent Examiner
Art Unit 2654

A handwritten signature in black ink, appearing to read "V. Paul Harper", is written over the printed name and title.